



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS, REGION I
5 POST OFFICE SQUARE, 8th FLOOR
BOSTON, MASSACHUSETTS 02109-3921

May 1, 2019

Mackenzie Farkus
Via e-mail (71647-11276957@requests.muckrock.com)

RE: FOIA Request No. 19-01279-F

Dear Mackenzie Farkus:

This letter is in response to your April 15, 2019 request under the Freedom of Information Act (FOIA), 5 U.S.C. Section 552, *et seq.*, to the U.S. Department of Education (Department), Office for Civil Rights (OCR). OCR spoke with you by telephone on April 19, 2019, to clarify your request. You requested copies of investigative determination letters sent to school officials, and any accompanying resolution agreements, in cases filed against Simmons University from May 2016 to the present date.

Upon receiving your FOIA request, OCR searched its files and identified records that were responsive to your request. These documents are enclosed with this letter. Please note that there are no other records contained within OCR's files that are responsive to your request.

FOIA mandates Federal agencies to release records upon request, except those records or parts of records that qualify for one or more FOIA exemptions. As explained in further detail below, OCR has made redactions to the documents pursuant to one or more FOIA exemptions.

OCR has made redactions pursuant to FOIA Exemptions (b)(6) and (b)(7)(C). FOIA exemption (b)(6) exempts from release personnel and medical files and similar files, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. FOIA exemption (b)(7)(C) exempts from release records or information compiled for law enforcement purposes that could reasonably be expected to constitute an unwarranted invasion of personal privacy if released. All OCR complaint files are composed of investigatory records compiled to determine whether the educational entity under investigation has violated the statutes and regulations enforced by OCR, and therefore are considered to be law enforcement records. Pursuant to FOIA Exemptions (b)(6) and (b)(7)(C), we are redacting information that would identify particular individuals, including specific information that describes events and circumstances unique to particular individuals. The information withheld could reasonably be expected to constitute an unwarranted invasion of personal privacy if released.

FOIA requires that any reasonably segregable portion of a record shall be provided to any person requesting such record after deletion of the portions which are exempt. Therefore, OCR left as much text as possible to allow you to identify the nature of the document and to provide you with any material that could reasonably be segregated from the material which was redacted.

You have the right to seek assistance and/or dispute resolution services from the Department's FOIA Public Liaison or the Office of Government Information Services (OGIS). The FOIA

The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.

Public Liaison is responsible, among other duties, for assisting in the resolution of FOIA disputes. OGIS, which is outside the Department, offers mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. They can be contacted by:

Mail	FOIA Public Liaison Office of the Chief Privacy Officer U.S. Department of Education 400 Maryland Ave., SW, LBJ 2E321 Washington, DC 20202-4536	Office of Government Information Services National Archives and Records Administration 8601 Adelphi Rd. College Park, MD 20740-6001
E-mail	robert.wehausen@ed.gov	OGIS@nara.gov
Phone	202-205-0733	202-741-5770; toll free at 877-684-6448
Fax	202-401-0920	202-741-5769

Lastly, you have the right to appeal this determination. You must submit any appeal within 90 calendar days after the date of this letter. Using the services described above does not affect your right, or the deadline, to pursue an appeal. An appeal must be in writing and must include a detailed statement of all legal and factual bases for the appeal; it should be accompanied by a copy of this letter, the initial letter of request, and any documentation that serves as evidence or supports the argument you wish the Department to consider in resolving your appeal.

Appeals may be submitted using the on-line form available at www.ed.gov/policy/gen/leg/foia/foia-appeal-form.pdf.

Appeals can also be submitted by:

E-mail: EDFOIAappeals@ed.gov
Fax: 202-401-0920
Mail: Appeals Office
Office of the Chief Privacy Officer
U.S. Department of Education
400 Maryland Ave., SW, LBJ 2E320
Washington, DC 20202-4536

If you have any questions regarding this letter or your request, please contact Emma Kim, Senior Attorney, at (617) 289-0159 or emma.kim@ed.gov.

Sincerely,



Timothy Blanchard w/p AMM
Acting Regional Director
Acting Boston Regional FOIA Officer

Enclosure